

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN PORTIS,

No. C 07-3975 WHA (PR)

Plaintiff,

ORDER OF DISMISSAL

v.

Deputy G. ARNOLD; Deputy M.
IBARRA; Deputy K.
HENDRICKSEN; Deputy Sergeant
SHAULL;

Defendants.

Plaintiff, a California prisoner proceeding pro se, filed this pro se civil rights complaint under 42 U.S.C. 1983. After the complaint was dismissed with leave to amend, plaintiff filed a timely amended complaint.

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). In its review the court must identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. *Id.* at 1915A(b)(1),(2). Pro se pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990).

Plaintiff filed his amended complaint purportedly on behalf of himself and a “class” of

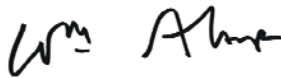
1 other individuals who were inmates at the Santa Rita County Jail with plaintiff at the time of the
2 incidents complained of in the complaint. Plaintiff seeks class certification and to proceed as a
3 class action on behalf himself and other inmates, claiming that defendants violated their rights
4 under the state and federal constitutions. Pro se prisoner plaintiffs may not bring class actions.
5 They are not qualified to act as class representatives as they are unable to fairly represent and
6 adequately protect the interests of the class. *See* Fed. R. Civ. P. 23(a); *Oxendine v. Williams*,
7 509 F.2d 1405, 1407 (4th Cir. 1975); *see also Russell v. United States*, 308 F.2d 78, 79 (9th Cir.
8 1962) (holding that “a litigant appearing in propria persona has no authority to represent anyone
9 other than himself”).

10 Accordingly, this case is **DISMISSED** without prejudice to plaintiff’s filing a new action
11 solely on his own behalf.

12 The clerk shall close the file.

13 **IT IS SO ORDERED.**

14 Dated: January 28, 2010.

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16 WILLIAM ALSUP
17 UNITED STATES DISTRICT JUDGE
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